

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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: 10/11/2011
: RAJEEV PAHUJA, :
: Plaintiff, :
: 11 Civ. 4607 (DLC)
: -v- :
: ORDER
: AMERICAN UNIVERSITY OF ANTIGUA, :
: Defendant. :
: -----X

DENISE COTE, District Judge:

On June 24, 2011, and again by letter dated October 6, 2011, pro se plaintiff submitted applications for appointment of counsel. In his October 6 letter, the plaintiff asked for assistance from the Pro Se Office in serving the defendant.

In determining whether to grant an application for counsel, the Court must consider

the merits of plaintiff's case, the plaintiff's ability to pay for private counsel, his efforts to obtain a lawyer, the availability of counsel, and the plaintiff's ability to gather the facts and deal with the issues if unassisted by counsel.

Cooper v. A. Sargenti Co., Inc., 877 F.2d 170, 172 (2d Cir. 1989) (per curiam). As a threshold matter, in order to qualify for appointment of counsel plaintiff must demonstrate that his claim has substance or a likelihood of success. See Hodge v. Police Officers, 802 F.2d 58, 60-61 (2d Cir. 1986). In addition, in reviewing a request for appointment of counsel, the

Court must be cognizant of the fact that volunteer attorney time is a precious commodity, and thus, should not grant appointment of counsel indiscriminately. Cooper, 877 F.2d at 172.

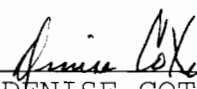
A more fully developed record will be necessary before I can determine whether plaintiff's chances of success warrant the appointment of counsel. Accordingly, it is hereby

ORDERED that plaintiff's June 24, 2011 application for the appointment of counsel is denied without prejudice to renewal at such time as the existence of a potentially meritorious claim may be demonstrated.

IT IS FURTHER ORDERED that the United States Marshal's Office assist the plaintiff in serving the summons and complaint on the defendant. The Plaintiff should follow the instructions provided in the Service Package mailed to him on August 3, 2011, and if he needs further assistance in serving the defendant, he should contact the Court's Pro Se Office.

SO ORDERED:

Dated: New York, New York
October 11, 2011



DENISE COTE
United States District Judge

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